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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: CARLY URETZKY-MILLER
Serial No.: 10/772,117
Filing Date: February 5, 2004
Title: YOGA MAT CARRY BAG
Group Art Unit: 3671
Examiner: Ms. Tara L. Mayo

DECLARATION UNDER RULE 131

CARLA URETZKY-MILLER hereby certifies as follows:

1. I am the inventor of the yoga mat carry bag described in Application Serial No. 10/772,117.

2. Such carry bag, as described, is designed to allow ventilation of a yoga mat when the mat is placed within the bag. Being of substantially cylindrical configuration, the carry bag holds a rolled yoga mat within, whether it is encircled with an overlying band to keep it furled or not. The bag, as constructed, permits protection of the mat against such environmental elements as rain, sleet and snow. Employed with a shoulder strap on the bag extending on an outside surface between its top and bottom portions, the bag can easily be carried about. A drawstring closure could be provided, furthermore, to close the bag against precipitating ambient conditions.

3. Claims 14-20 and 22-27 (all the Claims present in this Application) specify the combination of the carry bag of substantially cylindrical configuration and the rolled yoga mat inserted within, calling out the carry bag as having a diameter to enclose the yoga mat when rolled with or without an encircling band in holding the mat furled, and with the closed end of the carry bag being air permeable to ventilate the inserted yoga mat.

4. I have been advised that the claims of this Application have been rejected in view of showings of three publications. YogaSite.com: YogaProps & Accessories - Silk Yoga Mat Bag

(December 16, 2003), Nefitco.com:Exervo Tote Bag (December 2, 2003), and Nefitco.com:Exervo Tote Bag (February 5, 2004).

5. First of all, I note that my Application was filed February 5, 2004, the same date of publication of this last reference.

6. I have been advised of the existence of Patent Office Rule 131 and have made this Declaration for the purpose of swearing back of these three references. In particular, I had reduced this invention to practice, and was selling the yoga mat carry bag since the Spring of 2003 -- prior to the publication dates of these references -- and less than one year before the February 5, 2004 filing of my Application. As my yoga mat carry bags had been meeting with a great deal of success, I was advised to seek patent protection for it -- and initially met with my patent attorney, Charles I. Brodsky, as to this on December 3, 2003.

7. At that meeting, I gave to Mr. Brodsky my business card, showing that I had an internet website (Exhibit 1). As Exhibit 2 shows, this website was downloaded on December 9, 2003 describing the carry bag for enclosing the yoga mat in the manner as set forth in this patent application, and as defined by the claims.

8. This describing of my website and its business card accompaniment was not the first time that it was disclosed, as it appears on the back cover of CHLOE Magazine, which issued in May 2003 (Exhibit 3). A description of the yoga mat carry bag is also given in the July 2003 issue of CHLOE Magazine (Exhibit 4). Mention is made of my showing my yoga bags at a Designers' Ball held on June 11, 2003 in New York City.

9. Annexed as Exhibit 5 is a copy of Pages D1 & D6 of the daily newspaper, Asbury Park Press dated June 24, 2003, as to myself and my business of making and selling carry bags for yoga mats. In particular, Page D1 illustrates the rolled mat being within the cylindrical carry bag, along with the crocheted bottom and shoulder strap as set out in my Patent Application and claims.

10. It is clear from these magazine and newspaper page copies that my yoga mat carry bag was reduced to practice at least as early as June of 2003 -- well before the publication dates of the cited references.

11. With my understanding of Rule 131, it is my belief that none of these references -- either taken alone or in combination -- should act as a bar against the allowance of Claims 14-20 and 22-27.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the Application or any Patent issued thereon.


CARLY URETZKY-MILLER

Dated: June 15, 2005